JUSTICE UPDATE
Saskatchewan Justice
2008

The Active Families Benefit Act

(Bill 33) Chapter A-4.01

This new Act establishes a tax benefit of up to $150 per child for families with children who participate in an eligible activity as prescribed in the regulations.

The Act came into force on January 1, 2009.

The Administration of Estates Amendment Act, 2008 / Loi de 2008 modifiant la Loi sur l'administration des successions

(Bill 20) Chapter 2

This Act updates and clarifies provisions of *The Administration of Estates Act*. The amendments repeal *The Devolution of Real Property Act* while retaining relevant provisions in *The Administration of Estates Act*. The amendments also repeal *The Crown Administration of Estates Act* and create new provisions to authorize the Public Guardian and Trustee to apply for letters of administration on behalf of the Crown where there are no next of kin or known heirs. Additional amendments include:

- amending provisions dealing with small estates to increase the value of small estates and prescribe the value in the regulations;
- updating the official administrator provisions to reflect that the Public Guardian and Trustee is the only official administrator for the province;
- removing provisions from *The Trustee Act* that pertain specifically to executors and administrators and introducing still relevant provisions to *The Administration of Estates Act*; and
- codifying the common law principle of the "chain of executorship."

This Act came into force on November 1, 2008.

The Air, Army, Sea and Navy League Cadets Recognition Day Act

(Bill 601) Chapter A-16.2

This new Act designates the first Saturday in November as "Air, Army, Sea and Navy League Cadets Recognition Day" in Saskatchewan.

This Act came into force on November 6, 2008.

The Alcohol and Gaming Regulation Amendment Act, 2008 / Loi de 2008 modifiant la Loi de 1997 sur la réglementation des boissons alcoolisées et des jeux de hasard

(Bill 27) Chapter 8

This Act amends *The Alcohol and Gaming Regulation Act, 1997* to:

- allow businesses to offer you-brew and you-vin services for individuals who want to make their own beer and wine for personal consumption at home;
- authorize restaurant patrons to take home unfinished, re-corked bottles of wine;
- increase fines in relation to: serving alcohol to minors, over-serving, overcrowding, using false identification and consuming alcohol in a vehicle;
- address several additional matters such as eliminating outdated and unenforced regulations that prohibit the use of a credit card to pay for alcohol and require churches and clergy to have a permit for the use of wine in sacraments.

The Act came into force on May 14, 2008, except clauses 3(b) and (c), subsection 9(2), subsection 11(2), clause 12(1)(a), subsection 12(2), sections 15 and 17 to 22 and subsections 23(2) and 24(2) which came into force April 1, 2009.

The Consumer Protection Amendment Act, 2008

(Bill 12) Chapter 4

This Act establishes rules to protect consumers who purchase and use gift cards. These new provisions:

- prohibit expiry dates on gift cards, except as set out in the regulations;
- prohibit inactivity and dormancy fees that reduce the value of a gift card if it is not used within a certain period of time;
- prohibit any other fees in relation to gift cards unless authorized in the regulations;
- allow regulations to be made requiring disclosure of terms and conditions on gift cards; and
- establish provisions relating to investigation and enforcement of these provisions.

This Act came into force on November 10, 2008.

The Corporate Capital Tax Act

(Bill 38) Chapter 10

This Act amends *The Corporation Capital Tax Act* to raise the threshold amount for financial institutions to maintain their eligibility for lower corporate capital tax rates. The threshold is raised from $1 billion to $1.5 billion of aggregate taxable paid-up capital for taxation years ending on or after October 31, 2008.

This Act came into force on May 14, 2008.

The Education Amendment Act, 2008 / Loi de 2008 modifiant la Loi de 1995 sur l'éducation

(Bill 29) Chapter 11

This Bill amends *The Education Act, 1995* and adds new sections prescribing the process Boards of Education must follow when they are contemplating a school closure or discontinuance of certain grades or years offered at certain rural schools. Urban schools are not affected by the amendments. These processes include:

- prescribing the specific steps and timelines that a Board of Education must follow to close a school or discontinue a grade or year;
- specifying the composition of the committee reviewing the proposed school closure;
- providing that school closure or discontinuance of a grade or year cannot occur during the school year; and
- allowing the Minister to designate a school scheduled for closure as a "school of opportunity" and if so designated the school is to remain open until the Minister no longer designates it as a school of opportunity.

In addition, the Bill replaces references to disabled students with the broader definition of "pupil with intensive needs", clarifies the Minister's authority to establish policies relating to pupils with intensive needs, and requires Boards of Education to take steps to reasonably accommodate a pupil with intensive needs.

This Act came into force on June 27, 2008.

The Enforcement of Canadian Judgments Amendment Act, 2008 / Loi de 2008 modifiant la Loi de 2002 sur l'exécution des jugements canadiens

(Bill 11) Chapter 5

This Act amends *The Enforcement of Canadian Judgments Act, 2002*, to introduce special rules for the recognition and enforcement of Canadian civil protection orders. "Canadian civil protection order" is defined to mean an order made in any other Canadian jurisdiction that prohibits a broad range of activities from communication to actual contact that can be used by one individual to intimidate, threaten, coerce or otherwise harass another individual.

A Canadian civil protection order is deemed to be an order of the Saskatchewan Court of Queen's Bench so that it is fully enforceable in the same manner as an order of that court. The order can be enforced by law enforcement agencies in the same manner as a local court order, whether or not the order has been registered in Saskatchewan. A Canadian civil protection order may be registered in the same manner as any other Canadian judgment if the enforcing party chooses to do so. The Bill provides good faith liability protection for law enforcement agencies that take steps to recognize and enforce a Canadian civil protection order.

These amendments apply to all Canadian civil protection orders that are in effect when the Act came into force, in addition to any future Canadian civil protection orders.

This Act came into force on April 28, 2008.

The Enterprise Saskatchewan Act

(Bill 2) Chapter E-10.01

This new legislation establishes Enterprise Saskatchewan as a body corporate with the stated objective of furthering the economic goals of the Government of Saskatchewan in a manner that is consistent with a series of principles outlined in the preamble to the legislation. The purposes of Enterprise Saskatchewan are to establish sector teams to provide recommendations and advice to the Government on issues related to the Saskatchewan economy. It has the power to accept funds granted or appropriated to it, enter into agreements, establish and operate undertakings and carry out activities conducive to the objectives set out in the Act. The membership consists of the Minister, another member of the Executive Council and members selected from persons nominated by prescribed organizations representing business, labour, Aboriginal persons, rural and urban municipalities, post-secondary educational institutions, co-operatives, the resource industry and agricultural producers.

The Act came into force on July 29, 2008.

The Financial Administration Amendment Act, 2008

(Bill 48) Chapter 30

The Financial Administration Act, 1993 is amended to increase the automatic interim funding provided to government ministries at the start of a fiscal year from one-twelfth of the previous year's estimates to two-twelfths. This funding allows ministries to operate existing programs until the main appropriation Act is enacted by the normal completion date of the spring legislative sitting.

This Act came into force on December 3, 2008.

The Graduate Retention Program Act

(Bill 34) Chapter G-5.11
Sections 9 and 10 amended on Third Reading

This Act provides for the issuance of tuition rebate eligibility certificates for use by graduates of eligible post-secondary programs in claiming graduate tuition rebates in accordance with *The Income Tax Act, 2000*. The amount of the rebate may not exceed the maximum for the eligible program, and the total amount of all rebates during an individual's lifetime may not exceed $20,000.

This Act came into force on May 14, 2008, but is retroactive and deemed to have been in force from January 1, 2008.

The Growth and Financial Security Act

(Bill 1) Chapter G-8.1

This Act:

- requires the Minister of Finance to present to the Legislative Assembly for each fiscal year a four-year financial plan and a four-year public debt management plan;
- requires the government to have a balanced budget every year, except where there are extraordinary events;
- provides for the transfer of one-half of the annual surplus in the General Revenue Fund to a new Growth and Financial Security Fund and one-half to a new Debt Retirement Fund and provides for the administration of the funds;
- requires Treasury Board to review existing and proposed programs and expenditures of ministries for certain purposes and requires it to monitor the size of the public service.

This Act came into force on May 14, 2008.

The Highways and Transportation Amendment Act, 2008

(Bill 17) Chapter 12

This Bill amends *The Highways and Transportation Act, 1997*, to transfer authority to set speed limits from the Highway Traffic Board to the Minister of Highways and Infrastructure. A corresponding consequential amendment to *The Traffic Safety Act* is provided. The Act clarifies provincial jurisdiction for the appointment of weigh scale inspectors, removes reference to functions that federal inspectors do not in practice perform in Saskatchewan and transfers the power to issue "hours of service" permits from the Highway Traffic Board to the Minister of Highways and Infrastructure.

This Act came into force on June 27, 2008.

The Income Tax Amendment Act, 2008

(Bill 35) Chapter 13

This amendment Act:

- increases the in-home care of relative credit, the infirm dependant credit, the mental or physical impairment credit and the supplement to that credit for individuals under age 18;
- allows graduates of eligible post-secondary programs to claim graduate tuition rebates for a taxation year by filing the tuition rebate eligibility certificates issued under *The Graduate Retention Program Act*;
- allows individuals to claim active families benefits by filing a form including information prescribed pursuant to *The Active Families Benefit Act*.

Most provisions of this Act came into force on assent, but are retroactive and deemed to have been in force from January 1, 2008. The provision relating to the active families benefit came into force on January 1, 2009.

The Income Tax Amendment Act, 2008 (No.2)

(Bill 58) Chapter 31

This amendment Act:

- increases the basic personal exemption, the spousal exemption, the spousal-equivalent exemption and the dependent child exemption;
- replaces the sales tax credit with the increased, renamed low-income tax credit;
- adjusts indexation provisions in respect of the changes described above to apply indexation for the taxation years after the effective dates of the changes.

This Act came into force on December 3, 2008, but the provisions are retroactive in effect to specific dates. The exemption amount changes and the indexation provisions are retroactive to January 1, 2008. The provisions relating to the low-income tax credit are retroactive to January 1, 2007.

The Irrigation Amendment Act, 2008

(Bill 22) Chapter 14

The Irrigation Act, 1996 is amended to clarify that the Minister of Agriculture has the authority to enter into agreements respecting the operation and maintenance of irrigation, water control, and water supply works for purposes other than irrigation. Such agreements may be entered into with any person or body, the Government of Canada or the government of any other province or jurisdiction in Canada for any purpose related to *The Irrigation Act, 1996*.

This Act came into force on assent, but is retroactive in effect to April 1, 2006.

The Legislative Assembly and Executive Council (Fixed Election Dates) Amendment Act, 2008 / Loi de 2008 modifiant la Loi de 2007 sur l'Assemblée législative et le Conseil exécutif (élections à date fixe) *

(Bill 4) Chapter 6

These amendments provide that unless a general election has been held earlier because of a dissolution of the Legislative Assembly, the first general election after the coming into the force of the Act must be held on Monday, November 7, 2011. Subsequent general elections must be held on the first Monday of November in the fourth calendar year after the last general election. These amendments do not alter or abridge the power of the Crown to prorogue or dissolve the Legislative Assembly.

This Act came into force on April 28, 2008.

The Medical Profession Amendment Act, 2008

(Bill 53) Chapter 32

This Act allows the College of Physicians and Surgeons of Saskatchewan to release information obtained as part of an investigation into quality of care issues, to:

- another person or organization reviewing the same matter;
- another person or organization that provides or regulates health services in the province if releasing the information is likely to improve health care delivery; and
- the Minister of Health, if in the council's opinion, this will improve health care delivery, or there is a compelling public interest, or to confirm that the investigation committee is reviewing a member.

This Act came into force on December 3, 2008.

The Midwifery Amendment Act, 2008

(Bill 26) Chapter 15

This Act clarifies the role of the midwife in providing care to a mother and her baby during a normal pregnancy, labour and post-partum period. It also sets out the duty and objects of the Saskatchewan College of Midwives and the requirements for licencing of midwives to work in Saskatchewan.

This Act came into force on May 14, 2008.

The Miscellaneous Pensions Statutes (Commencement of Pension) Amendment Act, 2008

(Bill 10) Chapter 16

This Act amends a number of Acts respecting provincial public service pension plans to bring them into line with recent amendments to the federal *Income Tax Act* which raised the age at which retirement savings must be converted to pension income from 69 to 71. The amendments state that members of registered pension plans may continue to contribute to their pension plans up to the date set out in the *Income Tax Act* for commencement of retirement benefits.

This Act came into force on May 14, 2008.

The Municipal Revenue Sharing Amendment Act, 2008

(Bill 23) Chapter 17
Section 2 amended on Third Reading

This Act establishes the amount of funds available in the 2008-2009 fiscal year to the urban revenue-sharing pool and the rural revenue-sharing pool. It also determines the split in funding within the urban pool between cities and towns, villages and resort villages.

This Act came into force on April 1, 2008.

The National Peacekeepers Recognition Day Act

(Bill 602) Chapter N-1.1

This new Act designates August 9 of each year as "National Peacekeepers Day" in Saskatchewan.

This Act came into force on December 3, 2008.

The Natural Resources Amendment Act, 2008

(Bill 8) Chapter 18

This Bill repeals section 19 of *The Natural Resources Act* thereby disestablishing the Resource Protection and Development Revolving Fund. The rights and obligations of the Revolving Fund are transferred to the general revenue fund.

This Act came into force on May 14, 2008.

The Northern Municipalities Amendment Act, 2008

(Bill 15) Chapter 7

The amendments allow the making of provincial capital grants to the City of Flin Flon, Manitoba for the purposes of the Saskatchewan boundary area.

This Act came into force on April 1, 2008.

The Northern Municipalities Amendment Act, 2008 (No. 2)

(Bill 64) Chapter 33

This amendment Act updates the property assessment and taxation system for northern municipalities. The amendments make provisions in *The Northern Municipalities Act* consistent with provisions already in place in *The Cities Act* and *The Municipalities Act*. The amendments complete the legislative groundwork for the introduction of a province-wide market value based assessment system in 2009 for multi-unit residential and commercial properties.

This Act came into force on January 1, 2009.

The Parks Amendment Act, 2008

(Bill 37) Chapter 19

This Act amends *The Parks Act* to:

- allow park officers to ticket vehicles in breach of park regulations. The provision makes an owner liable if his or her vehicle was involved in an offence unless he or she can prove that the vehicle was not parked or left by the owner or an authorized driver; and
- amend the legal descriptions of provincial park boundaries, to facilitate digital mapping by Information Services Corporation.

The Act came into force on May 14, 2008, except section 3, which came into force on July 29, 2008.

The Potash Development Repeal Act

(Bill 3) Chapter 20

This Act repeals *The Potash Development Act*.

This Act came into force on May 14, 2008.

The Public Service Amendment Act, 2008

(Bill 18) Chapter 21

This Bill extends the power of the permanent head of a Ministry to suspend employees so that it applies to non-permanent employees as well as permanent employees. Other amendments provide the Public Service Commission with a broader range of options to respond to layoffs and suspensions that are determined by an appeal hearing to have been unjustified or without sufficient cause.

This Act came into force on May 14, 2008.

The Public Service Essential Services Act

(Bill 5) Chapter P-42.2
Sections 2, 6, 9, 19 and 21 amended on Third Reading

This new Act sets rules for the establishment of essential services agreements for public employers and trade unions. Public employers and trade unions are to begin negotiations on an essential services agreement at least 90 days before the expiry of their collective bargaining agreement. The agreement is to identify essential services, and the employees who are to maintain them in the event of a strike or lockout. If no agreement is in place, and there is a work stoppage or potential work stoppage, the public employer is to serve a notice on the trade union identifying the essential services and the employees who are to maintain them during the work stoppage. The trade union may apply to the Labour Relations Board for an order to vary the number of employees who must work during the work stoppage to maintain essential services. The Act establishes offences for non-compliance with the Act, and provides the chairperson of the Labour Relations Board with the authority to make rules of practice and procedure for applications pursuant to this Act.

The legislation defines four categories of essential service: services that prevent danger to life, health or safety; destruction or serious deterioration of machinery, equipment or premises; serious environmental damage; and disruption of the courts. For the provincial government, essential services will be defined in the regulations.

This Act came into force on May 14, 2008.

The Residential Tenancies Amendment Act, 2008

(Bill 62) Chapter 34

Section 6 amended on Third Reading

This Act amends *The Residential Tenancies Act, 2006* to revise the system for landlords recovering a security deposit from tenants at the end of a tenancy. If the landlord claims entitlement to retain the security deposit at the end of the tenancy, unless the tenant agrees, the tenant must apply to the Office of Residential Tenancies for an order for the return of the security deposit.

The Act also restricts rent increases for a periodic tenancy to once every six months, and requires the landlord to provide six months notice of the increase. For fixed term tenancies, the Act prohibits rent increases during the term of the agreement unless the timing and amount of the increase is agreed to at the beginning of the tenancy.

The Act also amends sections 59 and 60 respecting termination notices; if a tenant wishes to dispute a termination notice, he or she need only give written notice of the dispute to the landlord, who must apply to the Office of Residential Tenancies for an order of possession. It also allows a hearing officer to make an order to end a tenancy early on an application for immediate eviction, if immediate eviction is not warranted but an order to end the tenancy early is appropriate.

Sections 5 and 6 came into force on December 12, 2008. The balance of the Act, sections 1 to 4 and 7 to 13, came into force June 1, 2009.

The Saskatchewan Association of School Business Officials Repeal Act

(Bill 14) Chapter 22

This Act repeals *The Saskatchewan Association of School Business Officials Act, 2004*. The membership of this Association will continue to carry out their business as a non-profit corporation.

This Act came into force on September 1, 2008.

The Securities Amendment Act, 2008

(Bill 42) Chapter 35

This Act amends *The Securities Act, 1988* and *The Securities Amendment Act, 2007*. The amendments form another component to the synchronized securities system, namely harmonized registration requirements for all securities Passport jurisdictions.

The provisions in this Bill contain detailed rules for issues such as:

- change from a "trade" trigger to a broader "in the business of" trigger for registration;
- the power to impose terms and conditions on registration at anytime;
- the power to review and require changes to a registrant's promotional material;
- the power to make an exemption order in enumerated situations;
- clarification of the power of the Commission to issue a reciprocal order based on a decision of a regulator or court in another jurisdiction and the hearing process for such orders;
- measures allowing a claimant to preserve its right of action in the courts pending a decision of the Commission; and
- measures creating civil rights of action for misrepresentation in an issuer's secondary market disclosure.

Sections 1 and 2, clauses 3(a) and (d), that portion of clause 3(f) that enacts clause 2(1)(qq.2), and sections 4, 15, 18, 20, subsections 24(1) and (2), and sections 30 and 35 were proclaimed in force April 13, 2009. The remainder of the provisions were proclaimed September 28, 2008, except for section 12, that portion of section 14 that repeals section 45 of *The Securities Act, 1988*, and section 33 which will come into force on proclamation.

The Social Workers Amendment Act, 2008

(Bill 19) Chapter 23

An amendment increases the public representation on the Saskatchewan Association of Social Workers' council from one member to two members, appointed by the Lieutenant Governor in Council. The term of office of the public representatives is increased from two years to three years. The registration and licensing provision and the requirements for registration provision are changed to facilitate registration of a registered social worker from another jurisdiction as well as the issuance of restricted and temporary licences.

This Act will come into force on proclamation.

The Statutes and Regulations Revision Act

(Bill 30) Chapter S-59.01

This Act establishes a revision committee to prepare revisions of any or all Acts or regulations of Saskatchewan. It provides the committee with revision powers to update Saskatchewan legislation, for example, consolidating amendments, changing numbering, adding or changing headings, adopting gender neutral language, updating references and removing unnecessary provisions. A revision is not intended to change the meaning of the law but merely

to give it a more modern expression. On the coming into force of a revision, both the printed and electronic versions will be official versions of the revised enactments.

This Act came into force on November 1, 2008.

The Teachers' Life Insurance (Government Contributory) Amendment Act, 2008

(Bill 13) Chapter 24

This Act amends *The Teachers' Life Insurance (Government Contributory) Act* to allow members on pension to be able to continue to purchase life insurance until age 85, at the member's expense, beginning on September 1, 2008.

This Act came into force on May 14, 2008.

The Teachers Superannuation and Disability Benefits Amendment Act, 2008

(Bill 21) Chapter 25

This Act amends *The Teachers Superannuation and Disability Benefits Act* to:

- add a definition for "compassionate leave" to allow for the purchase of up to one year of compassionate leave as pensionable service;
- allow for the purchase of maternity, adoption or parental leave to be increased from one year to the maximum allowed under the *Income Tax Regulations*;
- allow a member to receive a lump sum commuted value benefit and not be required to accept a very small monthly allowance;
- remove the ability of a member to receive a refund of contributions and interest in the Plan while in receipt of payments from an income continuance plan or a disability benefit; and
- end the ability of a member to take a commuted value payment from the Plan, while the member is under contract with an employer.

This Act came into force on May 14, 2008.

The Trade Union Amendment Act, 2008 *

(Bill 6) Chapter 26

The Trade Union Act is amended:

- to require a secret ballot vote before any union is certified as the bargaining agent for a group of employees;
- to require that a union show 45 per cent support in the proposed bargaining unit before the Labour Relations Board will order a certification vote;
- to provide that an employer may communicate facts and its opinions to its employees, but may not interfere with, restrain, intimidate, threaten or coerce an employee in the exercise of any right conferred by this Act;
- to impose a 90-day deadline on employers and unions for filing applications alleging unfair labour practices calculated from the time the employer or union, as the case may be, knew or ought to have known of the unfair labour practice;
- to impose a six-month deadline on the board to issue a decision following a hearing. If the decision is not issued in that time, either party may apply to the court for an order directing the board to provide its decision;
- to require the board to prepare an annual report containing details of matters heard, the time between the filing of an application and its hearing, and the time between the hearing and issuing a decision, including a summary, by member, respecting matters heard and the average length of time between hearing a matter and rendering a decision;
- to remove the three year limit on the effective length of a collective bargaining agreement.

This Act came into force on May 14, 2008.

The Trade Union Amendment Act, 2008 (No. 2)

(Bill 24) Chapter 27

This Bill amends *The Trade Union Act* to provide that the Labour Relations Board may have one or two vice-chairpersons. The Act previously provided for the appointment of two vice-chairpersons.

This Act came into force on May 14, 2008.

The Ukrainian Famine and Genocide (Holodomor) Memorial Day Act

(Bill 40) Chapter U-0.1

This new Act establishes the fourth Saturday in November as "Ukrainian Famine and Genocide (Holodomor) Memorial Day".

This Act came into force on May 14, 2008.

The Vital Statistics Administration Transfer Act

(Bill 28) Chapter V-7.3

This Act provides for the transfer of administration of *The Vital Statistics Act, 1995*, *The Change of Name Act, 1995*, and various other statutory duties of the Director of Vital Statistics from the Ministry of Health to the Information Services Corporation.

The Act provides for the appointment of the Registrar of Vital Statistics by the Lieutenant Governor in Council on the recommendation of the Minister of Crown Corporations and the Minister of Justice and Attorney General. It authorizes the sharing of information in the Vital Statistics Registry with the Ministry of Health for health research and programming. It authorizes the sharing of registration information by the Ministry of Health with the Registrar of Vital Statistics for the administration of the Vital Statistics Registry. The Act provides confidentiality protections with respect to the information in the Vital Statistics Registry.

This Act came into force on October 12, 2008.

The Wildlife Habitat Protection Amendment Act, 2008

(Bill 25) Chapter 28

The Wildlife Habitat Protection Act is amended to remove certain lands from the protection of the Act, and to add other lands.

This Act came into force on May 14, 2008.

* These Bills were introduced in 2007 but not passed until 2008. The short titles of these Bills were corrected by the Office of the Law Clerk and Parliamentary Counsel, to indicate the year in which the Act was passed and received Royal Assent.